

# ONE INC.

4977 Kensington Drive  
San Diego, California 92116  
Tel (619) 282-0217 Fax (619) 584-8850

RECEIVED

AUG 31 1999

FCC FILE 1999

August 25, 1999

DOCKET FILE COPY ORIGINAL

Magalie Roman Salas, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWB-204  
Washington, D.C. 20554

Re: Reply Comments of Opportunities Now Enterprises (O.N.E. Inc.)  
MM Docket No. 99-25

Since 1981, I have had a broad experience with the Federal Communications Commission (FCC) and participated in several Notice of Proposed Rule Makings. As an experienced broadcaster and board member of several community based organizations, I commend the Commission for initiating this proceeding on Creation of a Low Power Radio Service.

Through ONE Inc., I participated in the control group of Integrated Communications Inc., in the Personal Communications Services (PCS), C and F auctions as a very small business (designated entity). We bid for licenses along the US-Mexico border and won such historically under served markets as McAllen, Laredo, El Centro-Calexico, and Yuba City. As the founder of Quetzal Bilingual Communications Inc., I applied for and received through a competitive hearing process, the clear channel radio broadcasting license KURS, 1040 AM. I have owned 10% interest in 6 other stations in California, all operated in Spanish to serve historically under served populations. I also participated with others in applying for FM licenses to serve historically under served populations in small markets of California and Texas, as a result of Docket No. 80-90. I also had the opportunity to participate in the En Banc Hearing on Spectrum Policy Assignment, March 5, 1996, at the invitation of Commissioner Susan Ness.

I support the comment of the Minority Media and Telecommunications Council (MMTC) which endorses the proposal to create a Low Power FM (LPFM) service. I am on the Board of Directors of MMTC. I also support the comments of several parties that having the low power stations throughout the 88-108 MHz FM radio band and not be limited to the educational broadcasting channels (88-92 MHz) best serves the public interest. I fully support the numerous commenters who emphasize the importance of limiting LPFM to noncommercial operation and nonprofit ownership. I also support the

No. of Copies rec'd 015  
List ABCDE

comments to use a series of windows of short periods such as five (5) days, on a first-come, first served basis within each window. I support, with a modification, the MMTTC comment that the first window should be reserved for educational institutions and training centers whose mission is to educate and train women and minorities. The modification is to include in this priority category, community based non-profit organizations.

The reason for including community based organizations (CBOs) in the top priority list is simple. CBOs carry on the torch of hope for new immigrants and the mission of Jane Adams' Hull House, which launched the settlement house movement, a movement that helped immigrants (Irish, Italians, Polish, etc.) get jobs, learn English, and participate in our democratic institutions (become citizens, vote, etc.). CBOs have the trust and confidence of community residents who receive assistance in a wide array of areas such as bilingual education, citizenship training, voter education, parenting, family counseling, housing, community development, civil rights advocacy, tutoring, mentoring, leadership development, consumer education, mediation services, child care training, welfare to work training, diversity and race relations training, etc. The mission, goals, and programs of CBOs in serving minorities (which are the new majority in California) as well as non-minorities is widely recognized. The California Public Utilities Commission, through the Universal Lifeline Telephone Service Marketing Board, has determined that the most effective method to reach this New Majority, as well as other under served populations, is through subcontracting with CBOs. The role of CBOs over the past 150 years to identify, reach, recruit and provide basic services to hard to reach and under served inner city as well as rural Americans is vital.

I support the comment of United Church of Christ, National Council of Churches of Christ, Civil Rights Forum, Libraries of the Future and Consumer Union (UCC, et al.) that the FCC has before it an excellent opportunity to emphasize the mandate of localism embodied in Section 307 (b) by providing a fair and equitable distribution of radio broadcast services, as well as adopt simple rules to insure public interest standards such as political programming requirements, standard issues/program list, maintenance of a public file, annual filing of EEO and ownership reports.

While no mass media is universal, 96 percent of the population listens to the radio at least once a week. For minorities such as Latinos, radio is the primary source for news and information. Unfortunately, minority owners control a mere 2.9% of all radio and television stations in the United States. Studies demonstrate that when women and minorities are in control, broadcasters offer programming that meets the needs of these audiences. Low power FM service could go a long way in serving this important public need. There is no assurance that women and minorities will in fact obtain LPFM licenses. However, by limiting the service to noncommercial operations and ownership to nonprofit entities, the goals of diversity of voice and ownership as well as public service emphasizing local focus (e.g. requiring that a majority of the Board of Directors of the licensee be from the community served (but not limited to the signal coverage, which is an area too confining), and using procedures and methods that are fair and just such as categories of

windows with short periods, a first-come first served basis within each window and a reserved window for entities whose mission is to educate, train and provide vital social services to historically under served populations, the Commission will take a giant step towards allocating valuable public assets to serve the public interest.

Having participated in two FCC auctions, I highly recommend that the FCC avoid the use of auctions in this instance. Other methods are available that are more fair and just, especially for low income applicants who historically have had significant problems accessing capital. Numerous comments have been submitted in reference to ownership eligibility criteria. There clearly should be a limit to the number of LPFM licenses an entity can own. I can remember when the ownership cap was seven (7) for all commercial license. I believe that ten (10) owned and controlled licenses is a realistic ownership cap for LPFM. The reason for more than one is to insure that organizations who want to apply for LPFM licenses have the technical and financial resources critical to a radio station's long-term success. Significant economies of scale could be achieved by allowing licensees to operate several stations. National efficiencies would be realized and particular issues and needs that occur at the nation's capitol or a state capitol could be covered and reported in a locally customized format incorporating the local significance for specific communities.

Another element in achieving success is experience. The rules should allow the participation of experienced broadcasters on boards of directors of nonprofit corporations with limits of 20%. For example a CBO could have one radio broadcaster on a five (5) member board of directors. This limit mirrors the alien ownership rules. A national or regional nonprofit corporation serving Latinos in Florida, Illinois, Texas, California, New Mexico, Texas, Arizona, and New York could invest up to a limit of 25% (mirroring current law: no license could be granted to any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country) without impacting ownership limits. This language should replace the language on page 63, Appendix E of the NPRM released February 3, 1999, **Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered:** "... Parties with attributable interests in any full power broadcast facilities would not be eligible to have any ownership interest in any low power radio stations....." This language would prevent a CBO with a board member (who is elected and serves as a volunteer and donates his/her time, talent, experience, and expertise to provide a public service) who has less than 10% attributable ownership in one commercial full power radio station from applying for a LPFM license. I do not believe that, it is the intent of the FCC to deny such a CBO of this opportunity. It seems more logical that the FCC would welcome such an application because of the experience, networking relationships with communication lawyers and engineers as well as other industry insiders and expertise that such a volunteer board member can contribute. This benefit is definitely an asset, especially in light of any demerits of such a small attributable ownership interest (an alien living in a foreign country can have twice that amount in

attributable ownership interest). This exclusion hurts small entities who would look for and try to secure such an experienced person to serve on its board of directors to help insure the oversight of the management and operations to maximize the probability of success. This exclusion hurts the very small entities it is designed to help. It serves no public interest to have the limitation on page 63 stand.


It serves no public interest for limiting low power licenses to one station, as several commenters have suggested. I also support the comment that 1,000-Watt Primary Service be authorized as proposed. In San Diego, California, for example, a LP 100 station with a signal contour of 3.5 miles from the station would not cover Barrios such as Barrio Logan (nearly 90% Latino and very much an under served community), nor the smallest of the 18 cities in the County, which is National City, with a Latino population exceeding 50%. Many communities in California are like San Diego in that the Latino population is dispersed and the neighborhoods of highest level of Latino residents (and typically the highest solidarity and cohesiveness and identity as a community, cover geographical areas larger than 3 1/2 miles. Therefore LP 1000 would clearly serve a public purpose and benefit.

I also support the elimination of the current 2<sup>nd</sup>-adjacent protection standards, especially in light of the availability of the technology that uses in-band-on-channel (IBOC). A very successful model of a small group of noncommercial station owned by a nonprofit corporation is Radio Bilingue, whose niche market is serving migrant farm workers from the US-Mexico border to the San Joaquin Valley, California's breadbasket. This model is what a local, regional or national ownership group of 10 LPFM could look like.

Because of the significant number of residents who have historically been under served along the US-Mexico border, I highly recommend that for the long term, the agreement between the US and Mexico be revisited to address the distance spacing for stations that could operate within 320 kilometers of the common border with Mexico, as it pertains to LPFM protection requirements. If the terms and conditions could be re-negotiated, yet protecting stations on both sides of the border from harmful interference, all parties would greatly benefit economically, socially, and culturally.

I fully agree with the comment of the Low Power Coalition that the broadcasting industry is missing the boat by not supporting this LPFM radio service but will benefit significantly in that LPFM station can be a training ground for management and talent, especially women and minorities for an industry that is severely lacking this diversity. I for one, as an experienced broadcaster, enthusiastically support the creation of a LPFM radio service.

Sincerely yours,

A handwritten signature in black ink, reading "Mateo R. Camarillo". The signature is fluid and cursive, with the first name "Mateo" and last name "Camarillo" clearly distinguishable.

Mateo R. Camarillo  
President